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Human Rights Council
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Agenda item 10
Technical assistance and capacity-building

Italy,* Togo:† draft resolution

37/... Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Reaffirming its previous resolutions on Libya,

Expressing full support for the United Nations Support Mission in Libya and for the action plan presented on 20 September 2017 by the Special Representative of the Secretary-General for Libya to support a Libyan-led transition that will lead to a sustainable, stable, unified, representative and effective governance structure under the framework of the Libyan Political Agreement,

Encouraging all Libyans to work together in a spirit of compromise and to engage constructively in the inclusive political process set out in the action plan, and reiterating the importance of the equal and full participation of women in the political process,

Expressing deep concern at the impact of the security, economic and humanitarian situation in Libya on its people, and at the continued human rights violations and abuses committed in Libya and continued mass displacement, and its particular impact on women and children,

Expressing grave concern at the human rights violations and abuses committed in Libya against migrants, including in detention centres, and sharing the concern of the Government of National Accord at the horrific accounts of human trafficking,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

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Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law should be held accountable,

Underlining the need for the coordination of efforts to tackle the root causes of irregular migration to prevent the exploitation of irregular migrants by smugglers and human traffickers,

1. *Welcomes* the commitment of the Government of National Accord to improve human rights in Libya, and its continued cooperation with the Human Rights Council and its mechanisms;

2. *Also welcomes* the continued commitment of the Government of National Accord to the universal periodic review process, and emphasizes the pressing need for the implementation of the recommendations accepted, and welcomes further the ratification on 13 February 2018 by Libya of the Convention on the Rights of Persons with Disabilities;

3. *Takes note with appreciation* of the oral update delivered by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-sixth session, with the participation of the Special Representative of the Secretary-General for Libya, on the situation of human rights in Libya, including the steps taken by the Government of National Accord to ensure accountability for human rights violations and abuses, in accordance with Council resolution 34/38 of 24 March 2017;

4. *Also takes note with appreciation* of the report of the High Commissioner on the situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the Government of National Accord;[1]

5. *Welcomes* the visit to Libya from 25 to 31 January 2018 by the Special Rapporteur on the human rights of internally displaced persons, , and looks forward to her report on that visit, which will be submitted to the Government of National Accord, and to the Human Rights Council at the thirty-eighth session of the Council;

6. *Also welcomes* the visit to Libya on 12 October 2017 by the High Commissioner and his constructive meetings with the President of the Presidency Council of the Government of National Accord and the ministers of the Government of National Accord;

7. *Further welcomes* the constructive cooperation between the Government of National Accord and the International Organization for Migration, including two visits in 2017 to Libya by the Director General of the International Organization for Migration, to address conditions of irregular migrants held in detention centres in Libya, and the positive results achieved to date in coordination with the Government of National Accord and with the support of Member States, including neighbouring States, and regional organizations;

8. *Welcomes* the commitment of the Special Representative of the Secretary-General for Libya, on behalf of the United Nations country team, to intensify the work on the ground of the United Nations to help to improve the living conditions of all people in Libya, including migrants, and looks forward to an increase in the presence of the United Nations in Libya, to plans for a new round of voluntary funding for 2018 for the Libya Humanitarian Response Plan and the Stabilization Facility for Libya and to recommendations to increase the strategic coordination of the United Nations Support Mission in Libya and United Nations agencies, funds and programmes in Libya;

9. *Underlines* the importance of an inclusive response for all migrants in Libya and strengthened international cooperation with the Government of National Accord;

10. *Welcomes* the decisions taken by the Assembly of the African Union at its thirtieth ordinary session on the report of the Leader of the African Union High-level Committee on Libya;

11. *Also welcomes* the ongoing efforts made by Member States and international and regional organizations, including the joint declaration of the fifth African Union-European Union summit, held in Abidjan on 30 November 2017, and its aims:

[1] A/HRC/37/46.

(a) To promote a positive and constructive and multidimensional approach to migration that takes place in a safe, orderly and regular manner;

(b) To take into account and to complement existing dialogues and frameworks, and to deepen the cooperation and dialogue on migration and mobility in a strengthened and regular manner between Africa and Europe;

(c) To strengthen political commitment to address the root causes of irregular migration and forced displacement;

(d) To stress the importance of effectively managing irregular migration in a spirit of genuine partnership and shared responsibility, in full respect of national law, international law and human rights obligations to maximize the development potential for both Africa and Europe;

12. *Further welcomes* technical assistance and capacity-building measures provided by Member States and international and regional organizations to assist Libya, at its request, including to secure its southern borders and to prevent, investigate and prosecute acts of smuggling of irregular migrants and trafficking in persons through its territory, in accordance with national law and relevant international conventions to which Libya is a State party, and calls upon Member States and regional organizations to continue to do so, in partnership with the Presidency Council and in support of the United Nations country team;

13. *Strongly condemns* all acts of violence in Libya and all violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against civilians and migrants, including women and children, as well as those involving unlawful detentions, abductions, enforced disappearances, torture and unlawful killings;

14. *Condemns* all attacks, intimidation, harassment and violence against journalists, media workers, members of civil society and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

15. *Strongly condemns* the continued acts of terrorism committed by armed groups, including the so-called Islamic State in Iraq and the Levant (Daesh) and other entities associated with Daesh in Libya listed by the Security Council, and reiterates its grave concern at the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

16. *Recognizes* the ongoing human rights challenges in Libya, strongly encourages the Government of National Accord to increase its efforts to protect and promote human rights and to prevent any violations or abuses, and in that regard encourages its continued engagement with the United Nations Support Mission in Libya and the Office of the United Nations High Commissioner for Human Rights;

17. *Repeats its call* to all parties in Libya to comply immediately with their applicable obligations under international human rights law and international humanitarian law and for strict respect of all human rights and fundamental freedoms, and urges all leaders to declare that violations and abuses of human rights or violations of international humanitarian law by their fighters will not be tolerated and that individuals responsible for such acts will be removed from duty;

18. *Expresses serious concern* at the acute humanitarian situation in Libya, and calls for rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies across Libya, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

19. *Urges* the Government of National Accord, the international community, the United Nations and all parties to the conflict in Libya to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in accordance with relevant Security Council resolutions, and encourages the Presidency Council to ensure that its women's support and empowerment unit is operational;

20. *Calls upon* the Government of National Accord to increase efforts to hold those responsible for violations or abuses of international human rights law and international humanitarian law accountable to the judicial authorities of Libya, and notes the cooperation between the Government of National Accord and the International Criminal Court in that regard;

21. *Expresses grave concern* at the number of detainees, including conflict-related detainees and children, and at reports of torture, sexual and gender-based violence and harsh conditions in detention centres, and calls upon the Government of National Accord to establish full and effective control over all detention centres in order to ensure that detainees, including migrants, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

22. *Expresses serious concern* at the continued plight of internally displaced persons, and in that regard welcomes the agreement brokered by the Presidency Council and calls for the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

23. *Encourages* the Government of National Accord to further promote, protect and respect the human rights of migrants, refugees and internally displaced persons, to hold human traffickers accountable and to provide a framework for the enhanced engagement of the Office of the United Nations High Commissioner for Refugees, and to continue to cooperate with the International Organization for Migration;

24. *Welcomes* the statement by the Presidency Council dated 23 November 2017 in which it denounced trafficking in persons in Libya and all over the world, and calls upon the relevant authorities to continue their investigation to bring perpetrators of such acts to justice;

25. *Underlines* the importance of, and the commitment of the Government of National Accord to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

26. *Requests* the Office of the United Nations High Commissioner for Human Rights, while continuing its engagement with the United Nations Support Mission in Libya, to monitor and report on human rights violations and abuses across Libya and to establish the facts and circumstances of such abuses and violations with a view to avoiding impunity and ensuring full individual accountability;

27. *Invites* the Office of the High Commissioner to work closely with all entities of the United Nations, the African Union, and all other relevant regional and international organizations concerned;

28. *Welcomes* the renewal of the standing invitation of the Government of National Accord to all special procedures of the Human Rights Council to visit Libya, and encourages the Government of National Accord to consider positively and to help to facilitate requests for visits of the mandate holders, with a view to identifying challenges and providing recommendations;

29. *Requests* the Office of the High Commissioner to provide technical assistance and capacity-building to Libya to promote and protect human rights and prevent and ensure accountability for violations and abuses of human rights;

30. *Encourages* the special procedures to visit Libya and report to the Human Rights Council and through public statements;

31. *Requests* the High Commissioner to present an oral update on the situation of human rights in Libya and the implementation of the present resolution to the Human Rights Council at its thirty-ninth session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General for Libya, and to present to the Council at its fortieth session a report on the situation of human rights in Libya, including the implementation of technical assistance and capacity-building and efforts to prevent and ensure accountability for violations and abuses of human rights;

32. *Decides* to remain seized of the matter.